

App. Serial No.: 10/092,933
Atty. Docket No.: 0003-029RECEIVED
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SEP 28 2006REMARKS

These remarks are in response to the Office Action dated March 28, 2006, which has a shortened statutory period for response set to expire June 28, 2006. A three-month extension, to expire September 28, 2006, is requested in a petition filed herewith. Because the outstanding office action has been made final by the Examiner, a Request for Continued Examination (RCE) is filed herewith.

Claims

Claims 1, 2, 4-9, 12-19, 22, 26-28, 30-45 are pending in the above-identified application. Claims 1, 2, 4-9, 12-19, 22, 26-28, 30-45 are rejected over prior art. Claims 1, 7, 12-14, 22, 28, 30, and 32 are amended, and Claims 46-59 are added. Claims 43-44 are canceled. Claims 2, 4-6, 8, 9, 15-19, 26, 27, 31, 33-42, and 45 remain as originally filed or previously presented. Reconsideration is requested.

Rejections Under 35 U.S.C. § 103

Claims 7-9, 12-19, 22, 26-27 and 43-44 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,005,636 (Haessig) in view of admitted prior art. Claims 1-2, 4-6, 28, 30-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haessig in view of admitted prior art as applied to claim 7 and further in view of Noboru.

The claims are amended herein to obviate the current rejections. In particular, independent apparatus Claims 1, 7, and 14 now recite: "wherein said ventilation flow control unit can be installed as a single unit." Similarly, independent method Claims 22, 26, 28, and 53 all recite: "installing said assembled flow control unit in a ventilation system." The cited prior art does not teach or suggest these limitations of the independent claims.

Claim 34 is the only remaining independent claim that does not recite one of the above quoted claim limitations. However, Claim 34 claims a system of two flow control units for controlling the flow of air into and out of a room in combination with a mutual control unit. There is no specific rejection of Claim 34 set forth, and Applicants cannot see how the cited references teach or disclose the elements of Claim 34.

For the foregoing reasons, Applicants respectfully assert that all pending claims are allowable over the prior art of record.

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Examiner's Response to Applicants' Arguments filed December 7, 2005

Applicants appreciate the Examiner addressing Applicants' previous arguments in the present office action. Perhaps the following response to the Examiner's remarks will help clarify Applicants' position on these issues.

Regarding the protection bracket limitation, Applicants understand that mounting brackets are well known in the art. However, the claim limitation in question is a protection bracket. Applicants also understand that Claim 48 is an apparatus claim. How the unit is transported or installed may not be a physical limitation of the apparatus. However, the ability of the bracket to protect the valve is a physical characteristic of the bracket, and certainly distinguishes between a mounting bracket and a protection bracket. Please note the structure of the protection bracket 226 in Figs. 2 and 6 of Applicants' drawings. The structure of the bracket protects valve 222. In the particular embodiment shown, bracket 226 does not serve any mounting function. It is a protection bracket. Indeed, Claim 12 is directed to a particular physical structure of the protection bracket.

Regarding the lack of suggestion or motivation to provide the system of Haessig with the various components asserted by the Examiner to be conventional, Applicants agree that many of the components cited by the Examiner are indeed conventional. However, Applicants' claims are directed to certain combinations of and physical relationships between such components. As the Examiner correctly asserts, cooling coil 50 will inherently require some sort of control valve to control the flow of cooling fluid. However, it is not inherent, for example, that the flow controller be "mounted to said plenum," as recited in Claim 7. To the contrary, it is Applicants' understanding that the various components in the prior art were installed at different times, in various locations, by workers in different fields (e.g., plumbers, electricians, sheet metal workers, etc.). As indicated in Applicants' specification (Page 4, Lines 8-12), the combination of components claimed by Applicants provide important advantages over the systems of the prior art by reducing the time and effort required to install and facilitating pretesting and/or precertification.

Finally, Applicant respectfully objects to the characterization of plugs, sockets, or wire terminals as electrical disconnects. As is well known in the electrical arts, an electrical disconnect is a switch or breaker that allows the power supply to a device to be interrupted

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without having to disconnect the wires or terminals. To interpret "electrical disconnect" to include any and all means of disconnecting electrical power to a device is contrary to the well established meaning of the term in the electrical arts. In addition, that interpretation would lead to the illogical result that any device that uses electrical power would inherently include an electrical disconnect.

Applicants understand that during examination of an application the Examiner is supposed to give terms their broadest reasonable meaning consistent with Applicants' specification and other principles of claim construction. However, Applicants do not believe that this rule compels the interpretation advanced by the Examiner. Should the Examiner disagree, the Examiner is invited to suggest alternate language to describe what those skilled in the electrical arts consider to be "an electrical disconnect."

For the foregoing reasons, Applicants believe Claims 1-2, 4-9, 12-19, 22, 26-28, 30-42, and 45-59 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-2, 4-9, 12-19, 22, 26-28, 30-42, and 45-59, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicants' attorney at (269) 279-8820.

Respectfully submitted,

Date: 9/28/06



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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (571) 273-8300.

Date: 9/28/06


Larry E. Henneman, Jr.